

REMARKS

This Amendment is filed in response to the Office Action mailed on June 21, 2006. All objections and rejections are respectfully traversed.

Claims 30-69 are in the case.

Claims 31, 33, and 34 were amended to better claim the invention.

Claims 48-69 were added to better claim the invention.

Response to Double Patenting Rejection

At Paragraphs 2-3 of the Office Action, claims 30-47 were rejected on the ground of nonstatutory double patenting over claims 8-18 of commonly owned U.S. Patent No. 6,643,654 (the parent patent of the present continuation application, as noted in Applicant's amended Specification at page 1, under the subtitle "Cross-Reference to Related Application"). Both the parent patent and the present continuation application are commonly owned by Network Appliance, Inc., of Sunnyvale, CA. A terminal disclaimer sufficient to overcome the double patenting rejection is included herewith. Accordingly, the claims should be in condition for allowance.

Claims Rejected Under 35 U.S.C. § 102(e)

At Paragraphs 5-6 of the Office Action, claims 30-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Carter, *et al.*, U.S. Patent No. 6,026,474, issued on February 15, 2000 (hereinafter “Carter”). Applicant respectfully traverses the rejection.

Specifically, claim 30, representative in part of the other rejected claims, recites:

30. A storage system adapted to provide on-disk representations of one or more predetermined files served by the storage system, the system comprising:

an operating system resident in a memory and invoking storage operations in support of a file system configured to logically organize information as a hierarchical structure of directory and file inodes on the disk, each of the files having one or more associated file attributes stored on the disk as a representation embodying a *stream inode* associated with a file inode.

Carter discloses a client-side Web cache shared by a group of users. (Carter, col. 2, lines 38-40). The shared Web cache is referred to as an “addressable shared memory space”, divided into “pages”, each page storing bytes of data. (col. 4, lines 23-37; col. 7, lines 50-53). In Carter, a logically contiguous stream of bytes is referred to as a data stream. (col. 9, line 36). A single data stream may span multiple pages. (col. 9, lines 41-43).

Carter further discloses a file system containing the shared data. (col. 6, lines 11-17). Files are described in the file system by objects that Carter refers to as “Inodes”. (col. 9, lines 33-34). In Carter, an “Inode” is defined as “a data structure that stores the file metadata. It represents the file in the file system.” (col. 9, lines 34-36). Because

multiple streams may exist within a single file, a mapping of streams to pages “is part of the file metadata and is stored in a structure called data stream descriptor.” (col. 9, lines, 45-47, 57-58). Thus, Carter distinguishes between an “Inode”, which is defined as storing file metadata, and a special “data stream descriptor”, which “is part of the file metadata”. (col. 9, line 46).

Applicant respectfully urges that Carter is completely silent regarding Applicant’s claimed novel “*stream inode*”, as recited in claim 30. Specifically, at page 19 of the Specification, Applicant teaches that a free inode may be converted into a novel stream inode by inserting a “stream” type into a type field of the inode. (Applicant’s Specification, page 19, lines 22-23). Thus, Applicant’s “*stream inode*” may be handled by the file system as an inode, while the contents of its data section may be interpreted differently depending on its type. (page 11, lines 6-8; page 16, lines 11-13).

In sharp contrast, the “Inode” of Carter is a “File Inode” storing file metadata. (Carter, Fig. 4, element 110; col. 9, lines 34-36). Carter distinguishes a “data stream descriptor” from an “Inode”. (Fig. 4, element 114; col. 9, lines 45-47).

Accordingly, Applicant respectfully urges that Carter is legally precluded from anticipating the presently claimed invention under 35 U.S.C. § 102(e) because of the absence from Carter of Applicant’s claimed novel “*stream inode*”, as recited in independent claim 30.

The remaining rejected independent claims 33 and 36 likewise recite a “*stream inode*”. Therefore, for the reasons provided above in reference to claim 30, all independent claims are believed to be in condition for allowance under 35 U.S.C. § 102(e).

All dependent claims are believed to be dependent from allowable independent claims and likewise in condition for allowance.

Additional Notes

Applicant notes that, because of a typographical error, claim 33 was misnumbered as “32” in the prior Amendment filed on September 8, 2003, resulting in two claims being numbered as “32”. The text of claim 33 also included a typographical error. Both typographical errors are corrected in the present Amendment.

Applicant also notes the Examiner’s statement, at Paragraph 1 of the Office Action, that “This action is made final.” However, the Office Action Summary (form PTOL-326), included with the Office Action, indicates that “This action is non-final.”

Given that the Office Action was a first action on the merits, that new grounds for rejection were raised, and that new art not previously of record was cited, Applicant assumes that the Office Action was intended to be non-final – as indicated on form PTOL-326. *See* MPEP § 706.07(b) (8th Ed., 4th Rev.). If the Examiner intended the Office Action to be final, Applicant respectfully requests continued examination under 37 CFR §

1.114 and notes that the present Amendment satisfies the submission requirement of § 1.114.

Conclusion

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,


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